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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 REX CHAPPELL,

11 Plaintiff,

No. CIV S-04-1183 LKK DAD P

12 vs.

13 C.K. PLILER, et al.,

14 Defendants.

ORDER

15 _____/
16 Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action
17 seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate
18 Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

19 On December 21, 2006, the magistrate judge filed findings and recommendations
20 herein which were served on all parties and which contained notice to all parties that any
21 objections to the findings and recommendations were to be filed within twenty days. Defendants
22 requested and were granted an extension of time to January 23, 2007, to file objections. On
23 January 23, 2007, defendants filed a notice that, after further consideration of the matter, they
24 will not file objections to the findings and recommendations. Neither party has filed objections
25 to the findings and recommendations.

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1 The court has reviewed the file and finds the findings and recommendations to be
2 supported by the record and by the magistrate judge's analysis.


3 Accordingly, IT IS HEREBY ORDERED that:

4 1. The findings and recommendations filed December 21, 2006, are adopted in
5 full;

6 2. Defendants' April 3, 2006 motion to dismiss pursuant to 28 U.S.C. § 1915(g)
7 is denied; and

8 3. Defendants are directed to file an answer to plaintiff's complaint within the
9 time provided by Rule 12(a)(4)(A) of the Federal Rules of Civil Procedure.

10 DATED: January 26, 2007.

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13 LAWRENCE K. KARLTON
14 SENIOR JUDGE
15 UNITED STATES DISTRICT COURT
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